

**IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION  
2:10 cv 20**

**TRACY A. SELLINO,**

**Plaintiff**

**v**

**WACHOVIA CORPORATION  
SEVERANCE PAY PLAN, WACHOVIA  
CORPORATION, STACEY S. EGGERS,  
in her official capacity as Wachovia  
Corporation Severance Pay Plan  
Administrator, WACHOVIA  
CORPORATION SEVERANCE PAY PLAN  
APPEALS COMMITTEE, DEANA  
KOCYLOWSKY, in her official capacity  
as designee of the Wachovia Corporation  
Severance Pay Plan Appeals Committee,**

**Defendants.**

**ORDER**

**THIS MATTER** is before the court on the parties' Certification and Report of Initial Attorney's Conference (#10).

In this action brought pursuant to the Employee Retirement Income Security Act (ERISA), 29 U.S.C. § 1001, *et. seq.* the parties have advised that they do not request a conference with the court prior to the entry of a scheduling order. The court, having reviewed the parties' certification, therefore enters the scheduling order as set forth herein.

**IT IS, THEREFORE, ORDERED** as follows:

1. Defendants shall file the administrative record in this matter on or before **OCTOBER 28, 2010**. In the event that defendants believe documents to be privileged, defendants are ordered to prepare a privilege log and file the log

with the administrative record.

2. Because this is an action brought pursuant to ERISA, the parties believe that discovery is unnecessary. To the extent plaintiff seeks claims that the administrative record is incomplete, she shall seek discovery of such items on or before **NOVEMBER 15, 2010**.
3. The court believes that settlement may be enhanced by use of a mediated settlement conference. The parties shall file notice of the selection of a mediator on or before **NOVEMBER 1, 2010** and mediation shall occur on or before **DECEMBER 15, 2010**. The parties shall file a mediation report seven (7) days after the completion of mediation.
4. In the event that mediation is unsuccessful, plaintiff shall file her motion for summary judgment on or before **JANUARY 1, 2011**. Defendants shall file their cross-motion for summary judgment together with response on or before **FEBRUARY 1, 2011**. Plaintiff's reply, if any, shall be filed on or before **FEBRUARY 15, 2011**. The parties agree that the case shall be resolved on cross-motions for summary judgment and therefore no trial setting is required.
5. Briefs in support of or in response to motions for summary judgment shall not exceed twenty-five (25) pages in length absent permission from the court. All pleadings must be double-spaced, size fourteen (14) font.

Signed: October 20, 2010

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

